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8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11  
12 In the Matter of the Statement of Issues  
Against:

Case No. 2012-56  
**STATEMENT OF ISSUES**

13  
14 **ROEJEN BAQUE ANDRES**  
4642 Simone Way  
15 Cypress, CA 90630

16 Respondent.  
17

18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely in  
21 her official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
22 Consumer Affairs.

23 2. On or about April 23, 2010, the Board of Registered Nursing, Department of  
24 Consumer Affairs received an application for a Registered Nurse License from Roejen Baque  
25 Andres (Respondent). On or about April 19, 2010, Roejen Baque Andres certified under penalty  
26 of perjury to the truthfulness of all statements, answers, and representations in the application.  
27 The Board denied the application on October 10, 2010.  
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4. Section 2736 of the Business and Professions Code (Code) provides, in pertinent part, that the Board of Registered Nursing (Board) may deny a license when it finds that the applicant has committed any acts constituting grounds for denial of licensure under section 480 of that Code.

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1 (1) Been convicted of a crime. A conviction within the meaning of  
2 this section means a plea or verdict of guilty or a conviction following a plea of  
3 nolo contendere. Any action that a board is permitted to take following the  
4 establishment of a conviction may be taken when the time for appeal has elapsed,  
or the judgment of conviction has been affirmed on appeal, or when an order  
granting probation is made suspending the imposition of sentence, irrespective of a  
subsequent order under the provisions of Section 1203.4 of the Penal Code.

5 (2) Done any act involving dishonesty, fraud, or deceit with the  
6 intent to substantially benefit himself or herself or another, or substantially injure  
another.

7 (3) (A) Done any act that if done by a licentiate of the business or  
8 profession in question, would be grounds for suspension or revocation of license.

9 (B) The board may deny a license pursuant to this subdivision only  
10 if the crime or act is substantially related to the qualifications, functions, or duties  
of the business or profession for which application is made.

11 (b) Notwithstanding any other provision of this code, no person shall be  
12 denied a license solely on the basis that he or she has been convicted of a felony if  
13 he or she has obtained a certificate of rehabilitation under Chapter 3.5  
14 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code or that  
15 he or she has been convicted of a misdemeanor if he or she has met all applicable  
16 requirements of the criteria of rehabilitation developed by the board to evaluate the  
17 rehabilitation of a person when considering the denial of a license under  
18 subdivision (a) of Section 482.

16 (c) A board may deny a license regulated by this code on the ground that the  
17 applicant knowingly made a false statement of fact required to be revealed in the  
18 application for the license.

19 7. Section 482 of the Code states:

20 Each board under the provisions of this code shall develop criteria to evaluate  
21 the rehabilitation of a person when:

22 (a) Considering the denial of a license by the board under Section 480; or

23 (b) Considering suspension or revocation of a license under Section 490.

24 Each board shall take into account all competent evidence of rehabilitation  
25 furnished by the applicant or licensee.

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1 **FIRST CAUSE FOR DENIAL OF APPLICATION**

2 (Knowingly Making a False Statement of Fact on Application)

3 10. Respondent's application is subject to denial under sections 480(c) and 2761(e) of the  
4 Code in that Respondent knowingly made a false statement of fact on his application for licensure  
5 as a registered nurse. The circumstances are as follows:

6 a. On or about April 19, 2010, Respondent signed an Application for Licensure by  
7 Examination for the Board of Registered Nursing. On his application, Respondent reported that  
8 he attended, graduated and received a Baccalaureate Degree from Iligan Medical Center College  
9 in Iligan City, Philippines. Specifically, Respondent wrote under entrance date: "1999-2000."  
10 Under graduation date, Respondent wrote "April 2, 2003." Respondent also checked the box next  
11 to Baccalaureate Degree. For the question asking "Have you ever been licensed as a LVN or any  
12 health-care related license/certificate in California?," Respondent checked the box "no." Along  
13 with his application for licensure, Respondent submitted transcripts and other records from Iligan  
14 Medical Center College as well as, a Bachelor of Science in Nursing diploma from Iligan Medical  
15 Center College dated April 2, 2003. Respondent also submitted a letter dated February 18, 2010  
16 from Director Eloisa W. Paderanga, Ph.D., of the Commission on Higher Education, Region X, in  
17 the Philippines stating that Respondent graduated from the Bachelor of Science in Nursing at  
18 Iligan Medical Center College per Special Order No. 5001200-1037 s. 2003 dated April 2, 2003.

19 b. After evaluating his application, the Board permitted Respondent to take the  
20 National Council Licensure Examination (NCLEX-RN). On or about July 15, 2010, Respondent  
21 took the NCLEX-RN at a test center in Anaheim. On or about July 20, 2010, Respondent was  
22 informed that he did not pass the NCLEX-RN examination. On or about July 28, 2010,  
23 Respondent signed the Request for Reapply/Repeat Examination.

24 c. On or about May 18, 2010, the Board received an email from an anonymous  
25 person stating the following, in part: "I recently got word from someone that a person who  
26 recently applied to take the NCLEX-RN actually falsified documents in order to receive the ATT.  
27 I though you would want to look into the matter. I also heard this person is also telling others to  
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1 do the same thing. The person currently works as an LVN. This person's name is Roejen  
2 Andres."

3 d. Following the anonymous tip, the Board sent correspondence dated June 7,  
4 2010 to Iligan Medical Center College requesting verification that Respondent attended Iligan  
5 Medical Center College "from 1st semester 1999-2000 through 2nd semester 2002-2003." The  
6 Board enclosed a copy of the transcripts and diploma that were received by Respondent with his  
7 application and requested that Iligan Medical Center College verify said transcripts.

8 e. The Registrar of Iligan Medical Center College sent correspondence to the  
9 Board dated July 5, 2010 stating the following: "We would like to inform you that MR. ROEJEN  
10 B. ANDRES is not a graduate of this institution and the enclosed documents are not issued by our  
11 school." The Registrar enclosed the copy of the transcripts and diploma that were received by the  
12 Board.

13 f. On or about September 10, 2010, the Board denied Respondent's application by  
14 examination as a registered nurse based upon Respondent's submission of falsified transcripts.  
15 The Board also discovered that Respondent misrepresented that he did not hold a LVN license  
16 when in fact, he was issued Licensed Vocational Nurse No. 225834 on February 9, 2007. On  
17 Respondent's application with the Board of Vocational Nursing and Psychiatric Technicians  
18 signed by Respondent under penalty of perjury on August 18, 2006, Respondent did not list Iligan  
19 Medical Center College as part of his education. Under question 8, which asks "Did you 'attend'  
20 a vocational/practical nursing program?" Respondent checked the box "yes," wrote the name of  
21 the program as "Career Colleges of America," and stated that he started the program on January  
22 17, 2006 and completed said program on August 17, 2006. Under question 9, which asks "Did  
23 you 'attend' a registered nursing program?" Respondent checked the box "no."

24 g. On or about February 15, 2011, the Office of the Attorney General sent  
25 correspondence to Iligan Medical Center College requesting verification of Respondent's  
26 diploma, course transcripts and other related documents. Also enclosed was a copy of the letter  
27 from the Commission on Higher Education which stated that Respondent graduated from Iligan  
28 Medical Center with a Bachelor of Science in Nursing per a Special Order. On or about April 11,

1 2011, the Registrar of Iligan Medical Center College sent a letter stating the following: "This is  
2 to confirm once again that ROEJEN B. ANDRES is not a graduate of Iligan Medical Center  
3 College and the documents were not issued by our school. The attached transcripts are similar to  
4 Iligan Medical Center but not the same and the signatures of the Dean, Registrar, and the person  
5 who prepared the documents were FORGED. All other documents are FAKE. The office of the  
6 Registrar of Iligan Medical Center College, San Miguel Village, Pala-o, Iligan City, Philippines,  
7 DECLARES THAT NO SUCH RECORDS EXIST. The Special Order is also a FAKE. The  
8 current signatory should be Dr. Zenaida G. Gersana and not Dr. Eloisa W. Paderanga who was  
9 assigned to Region XII two years ago."

10 **SECOND CAUSE FOR DENIAL OF APPLICATION**

11 (Dishonest Act)

12 11. Respondent's application is subject to denial under section 480(a)(2) of the Code in  
13 that Respondent committed an act involving dishonesty, fraud, or deceit with the intent to  
14 substantially benefit himself as described above in paragraph 10, incorporated herein as if fully  
15 set forth.

16 **THIRD CAUSE FOR DENIAL OF APPLICATION**

17 (Unprofessional Conduct)

18 12. Respondent's application is subject to denial under sections 480(a)(3) and 2761(a) of  
19 the Code in that Respondent's actions as described above in paragraph 10, constitute  
20 unprofessional conduct that is substantially related to the qualifications, functions, and duties of a  
21 registered nurse, and if done by a registered nurse, would be grounds for suspension or revocation  
22 of license.

23 **PRAYER**

24 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
25 and that following the hearing, the Board of Registered Nursing issue a decision:

26 1. Denying the application of Roejen Baque Andres for a Registered Nurse License;

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2. Taking such other and further action as deemed necessary and proper.

DATED:

7-25-11



for

LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

SD2010703467